

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.35598 of 2016

Between:

Lanka Putrayya

PETITIONER

And

1. The State of A.P., rep. by its Principal Secretary, Revenue (VA)
Department, Secretariat, Hyderabad, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.35598 of 2016

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner, who was engaged temporarily by the Tahsildar way back in January 2009 and whose services were officially discontinued in June, 2009, approached the Tribunal with an application in O.A.No.2741 of 2013 contending that he was unofficially continuing in service. The Tribunal passed an interim order directing the respondents to continue him in service till a regular Village Servant was appointed. Eventually, the Tribunal dismissed the main Original Application forcing him to come up with the above writ petition.

Admittedly, the petitioner was not appointed in accordance with the rules by a competent authority, viz., the District Selection Committee. More over, he was appointed, according to the respondents, by the Tahsildar when a ban order was in force. He did not continue as per the official records beyond June, 2009. However, it is contended by the learned counsel that the petitioner continued up to 30.09.2016 either without a record or without salary.

When the appointment was not in accordance with the rules, the very prayer of the applicant before the Tribunal to declare him as having been validly appointed was not maintainable. Therefore, the dismissal of the application by the Tribunal was correct. We see no ground to interfere with the order of the Tribunal. Therefore, the writ petition is dismissed. Whenever regular recruitment takes place, it is always open for the petitioner to appear for the same in accordance with the rules. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

27th October, 2016
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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Date: 27-10-2016

Js.